IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2370 of 2007

CRMP.315/2007 of D.C. & SESSIONS COURT, KOLLAM
CRIME NO. 72 OF 2007 OF KUNDARA POLICE STATION
(CRIME NO. IS FURNISHED BY THE PUBLIC PROSECUTOR)

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PETITIONER/ACCUSED :

PRITHVIRAJ, S/O. PRABHAKARAN PILLAI,
VIJAYAMANDIRAM, PERUMPUZHACHERIL,
ELAMPALLUR VILLAGE, KOLLAM.

BY ADV. SRI.JACOB SEBASTIAN
ADV. SRI.A.RASHID

RESPONDENT/COMPLAINANT:

STATE OF KERALA REP. BY SI OF POLICE,
KUNDRARA POLICE STATION,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV. SHRI K.S. SIVAKUMAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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B.A. No. 2370 OF 2007

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Dated this the 20th April, 2007

O R D E R

Though the crime number is not mentioned in the Bail Application, learned Public Prosecutor submits that the crime number is 72 of 2007 of Kundara Police Station. This is an application filed under section 438 of the Code of Criminal Procedure for anticipatory bail. The offences alleged against the petitioner are under sections 498A, 323, 506(1) and (2) of the Indian Penal Code. It is stated in the Bail Application that Smt. Raji S. Nair, the defacto complainant deserted the petitioner and she eloped with another man and went to Dubai leaving the husband and child. It is further stated that the petitioner is maintaining the child for the last two years. In the Bail Application, it is stated that the petitioner has filed O.P. (Divorce)536 of 2005 before the Family Court against the defacto complainant for divorce and the same is pending. The defacto complainant is working at Sharjah as a Marketing Executive , according to the petitioner.

2. In the facts and circumstances of the case, I am of the view that an order under section 438 can be granted to the petitioner on

conditions.

3. In the event of the arrest of the petitioner, he shall be released on bail on executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the Investigating Officer. The petitioner shall appear before the Investigating Officer on every Wednesday between 9.00 a.m. and 11.00 a.m. until final report is filed. The petitioner shall also appear before the Investigating Officer as and when required by notice.

Bail Application is disposed of as above.

K.T. SANKARAN,
JUDGE.

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